

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1, 5, 7-14, 16-17 and 24-34 are pending. The amendments are supported by the original disclosure and, thus, no new matter is added by their entry. Entry of the amendments is requested to address the Examiner's rejection under Section 112, 2nd paragraph; they could not be earlier presented because the rejection was initially raised in the final Office Action. Amendment of the claims will reduce the issues on appeal.

Statement of the Substance of the Interview

The undersigned acknowledges the courtesy of the Examiner during the interviews. Having overcome the rejections under Sections 102, 103, and 112 1st ¶ in their last response, Applicants' proposed claim amendments to address the last rejection (see below). They were discussed with the examiner and it was agreed to submit them for reconsideration. The foregoing is Applicants' summary of the interviews.

35 U.S.C. 112 – Definiteness

Claims 1, 5, 7-14, 16-17 and 24 were rejected under Section 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Applicants traverse.

As explained above, "coping capacity" is the residual capacity of neutrophils in a test sample to increase their superoxide production above basal when contacted with a chemical inducer and after experiencing psychological stress. This definition is consistent with the definition set forth at page 3, lines 3-4, of Applicants' specification.

Similarly, the present claim 1 clarifies the nature of a "control" sample and is consistent with page 3, lines 18-23, of Applicants' specification ("neutrophils of the same species in a control sample, which are free or substantially free of stress-induced activation or at least derived from one or more individuals exposed to the same regime minus a factor to be tested as a psychological stressor"). In other words, the increase in superoxide production above basal is compared for neutrophils in test and control samples – the former is obtained from an individual who experienced psychological stress, while

the latter is obtained from the individual before the stressful experience or an individual who did not experience such stress.

The limitation “above basal” is clarified as being superoxide production by neutrophils in the absence of a chemical inducer. There may be increased superoxide production by neutrophils when contacted by the chemical inducer, regardless of whether an individual is exposed to stress (e.g., test sample) or not exposed to stress (e.g., control sample). For a stressed individual whose neutrophils are severely depleted, “increased chemically-induced superoxide production above basal” in a test sample may be negligible. Lower “increased superoxide production above basal” is determinative of stress effect, whereas the residual capacity for increased superoxide production above basal when exposed to stress is a measure of coping capacity.

In vitro conditions induce neutrophils to produce superoxide in a control sample, with the exception that chemical inducer is present or absent depending on whether chemically-induced superoxide production or basal superoxide production, respectively, is to be measured. In claim 25, measuring the control sample’s increased production of superoxide above basal is not required as part of the claimed method. For example, control and/or basal levels may be measured before or after the invention is practiced in prospective or retrospective studies, respectively. Alternately, historic control and/or basal levels may be used for determination and comparison purposes in the claim method.

Claim 17 is amended to define “their” and to correct dependency.

Applicants request withdrawal of the Section 112 rejection. Since the pending claims are clear and definite, an early Notice of Allowance is earnestly solicited.

Respectfully submitted,

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